



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/653,680	09/01/2000	Peter Bohacek	PA1156	5328
22830	7590	12/08/2004	EXAMINER	
CARR & FERRELL LLP 2200 GENG ROAD PALO ALTO, CA 94303			NGUYEN, HANH N	
			ART UNIT	PAPER NUMBER
			2662	

DATE MAILED: 12/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

2

U

**Office Action Summary**

Application No.

09/653,680

Applicant(s)

BOHACEK ET AL.

Examiner

Hanh Nguyen

Art Unit

2662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on Amendment filed on 07/21/2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16, 19-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-8 is/are allowed.
- 6) ☒ Claim(s) 9-16 and 19-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Oath/Declaration***

Non-initialed and/or non-dated alterations have been made to the oath or declaration. See 37 CFR 1.52(c).

The Declaration filed on 01/16/01 is defective because addresses corrections of inventors “Peter Bohacek” and “David Sanders” made on page 3 have not been initialed. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 9, 10, 12-25 are rejected under 35 USC 102(e) as being anticipated by Admitted prior art.

In claims 9, 12, 14, 15, 16, 17, 18, 19, 20, 22, 23 and 25, the Admitted prior art discloses, in Fig.2, a switching network ( VOIP network 240) and a wireless network ( wireless network 160). The switching network has: a first gateway (GW 242) receiving routing signal ( signal 130). See page 4, lines 1-2. A second gateway (GW 246) establishes an external connection (connections 262, 178). See page 5, lines 11-12, 19-21. A command center (CC 244) for causing the first and the second gateways ( GW 242 and GW 246) to make an internal connection ( connection 258). Page 4, lines 16-20. The wireless network has a Visited Mobile (Services) Switching Center (VMSC 168) for generating routing information ( routing information 174), for receiving communication ( query) from the external connection (connection 172), and for routing the communication ( routing information in connection 174) to the subscriber (caller 122). See page 5, lines 6-15. A home local register (HLR 166) for locating the Visited MSC (VMSC 168). See page 5, lines 5-6. The command center (CC 244) causes the external connection ( connection 262) to be established based on the routing information (routing 174). Page 4, lines 18-23.

In claim 10, the admitted prior art discloses the external connection ( connection 178) is established to a VMSC ( VMSC 168) of the wireless network( network 160). See col.5, lines 11-12.

In claims 13, 21 and 24, the admitted prior art discloses the command center( CC 244) is able to determine characteristics ( whether the subscriber 190 is valid, see page 5, lines 4-5) of the wireless network ( network 160, Fig.2).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 11 is rejected under 35 USC 103(a) as being unpatentable over Admitted prior art. in view of Gallant (US Pat. No. 6,259,782 B1).

In claim 11, the Admitted prior art does not disclose the command center receiving routing information through an SS7 gateway. Gallant discloses a signaling network 160 with SS7 capability ( command center with SS7 signaling, see Fig.2). The signaling network receives routing instructions 152, 154 ( routing information). See col.6, lines 20-40. Therefore, it would have been obvious to one ordinary skill in the art to apply the signaling network with SS7 capability of Gallant into the Private network 240 of the Admitted prior art so that the command center receives routing information through an SS7 gateway. The motivation is to transmit routing request and receive routing instructions between caller 122 and subscriber 190.

#### ***Allowable Subject Matter***

Claims 1-8 are allowed.

#### ***Response to Arguments***

Applicant's arguments with respect to claims 9-16 and 19-25 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Turner (pat. 6718030B1) discloses Virtual Private network System and Method using VOIP.

Hogan (pat. 5581596) discloses Method for Controlling call processing in a Microcellular personal Communications Service System.

Maroulis (pat. 6584094 B2) discloses techniques for providing Telephonic Communications over the Internet.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh Nguyen whose telephone number is 571 272 3092. The examiner can normally be reached on Monday-Friday from 8AM-5PM. The examiner can also be reached on alternate

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou, can be reached on 571 272 3088. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 09/653,680

Page 6

Art Unit: 2662

Hanh Nguyen

A handwritten signature in black ink, appearing to read 'Hanh Nguyen'. The signature is stylized with a large 'H' and a long, sweeping 'N'.

December 2, 2004